

**STATE OF NEW JERSEY
STATE ETHICS COMMISSION
COMMISSION CASE NO. 31-18**

Administrative Action
CONSENT ORDER

IT IS THEREFORE agreed by the parties as follows:

1. Cuning was employed by the Department of the Treasury (Treasury) within the Division of State Lottery (Lottery) from October 2014 through March 2019. Cuning's final position at Treasury was an Administrative Analyst 1. At all times relevant to this matter, Cuning was a State employee subject to the New Jersey Conflicts Law, *N.J.S.A. 52:13D-12 et seq.*

2. Northstar New Jersey (Northstar) was hired by Lottery in 2013 to handle certain Lottery functions, including sales and marketing.

3. Michael Ragone (Ragone) has been a subcontractor to Northstar since 2013, producing various Lottery promotions. In 2015, Ragone established his own company, Moon Doggy Media, which subcontracted with Northstar to work on video shoots to promote and highlight new games for Lottery. Ragone also has been a crew member with Adam 12 Productions (Adam 12) since 2012. Adam 12 is a subcontractor for Northstar that handles broadcasting and production for the Lottery draws.

4. Cuning and Ragone began working together at Lottery in October 2014. They became involved in a personal relationship sometime in 2015. Cuning informed her co-workers and two supervisors of her relationship to Ragone and there is no evidence that she was informed by them of her obligation to recuse. However, she did not inform the Treasury Ethics Liaison Officer (ELO) of her personal relationship with Ragone.

5. Despite her personal relationship with Ragone, Cuning continued to work on Lottery matters involving Ragone throughout her employment at Treasury, including regularly interacting with Ragone, his company Moon Doggy Media, and his employer Adam 12.

6. Although Cuning did not recuse from matters involving Ragone, Moon Doggy Media or Adam 12 once she was in a personal relationship with Ragone, there was no evidence that Cuning used her State position to seek or obtain any unwarranted benefits for them.

7. While employed by Treasury, Cuning was also engaged in an outside business activity at DeCheser Media, which is the production company of Cuning's former supervisor, Michael DeCheser (DeCheser).

8. Cuning performed freelance work on five to six projects for DeCheser Media.

9. During the time that Cuning performed the freelance work for DeCheser Media, DeCheser was her direct supervisor and signed off on her Performance Assessment Reviews.

10. Cuning did not submit an Outside Activity Questionnaire (OAQ) seeking approval from her supervisor and the Treasury ELO to engage in her outside work for DeCheser Media or otherwise report her involvement with DeCheser Media to the Treasury ELO.

11. It is the Commission's position that Cuning violated *N.J.A.C.* 19:61-7.4 (the Commission's recusal rule), and section 23(e)(7) of the Conflicts Law, by continuing to work on matters involving Ragone, Moon Doggy Media and Adam 12 after her personal relationship with Ragone commenced. It is also the Commission's position that Cuning's involvement in outside work for DeCheser Media, a company owned by her immediate supervisor at Lottery, was not approvable and violated sections 23(e)(5) and 23(e)(7) of the Conflicts Law.

12. It is Cuning's position that since her freelance work at DeCheser Media was sporadic and minimal, she did not understand that it had to be reported.

13. In hindsight, however, Cuning acknowledges that interacting with Ragone on State matters may have created the reasonable impression that she was engaged in conduct violative of the public trust in violation of section 23(e)(7) of the Conflicts Law, and that she was


obligated to recuse from matters concerning Ragone, Moon Doggy Media and Adam 12 pursuant to N.J.A.C. 19:61-7.4 once she became involved in a personal relationship with Ragone.

14. Cuning also acknowledges that her failure to report her involvement with DeCheser Media in an OAQ and her interaction with her direct supervisor in this outside activity could be reasonably considered conduct that violated the public trust and which might be expected to impair her objectivity in the performance of her State position, in violation of sections 23(e)(5) and (e)(7) of the Conflicts Law.

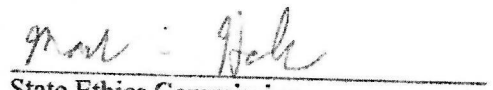
15. In consideration of the above, Cuning agrees to pay a civil penalty in the amount of \$500 to resolve this matter.


Kaitlyn Cuning

Dated: 4/11/19


State Ethics Commission
By: Joseph P. LaSala, Chair

Dated: 6/5/2019


State Ethics Commission
By: Mark T. Holmes, Executive Director

Dated: 5/6/19